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SUMMARY RECORD OF THE 247th MEETING

Held at Headquarters, New York,
on Thursday, 27 January 1994, at 10 a.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE DIRECTOR OF THE UNITED NATIONS DEVELOPMENT FUND FOR WOMEN (UNIFEM)

1. At the invitation of the Chairperson, Ms. Capeling-Alakija (United Nations Development Fund for Women (UNIFEM)) took a place at the Committee table.

2. Ms. CAPELING-ALAKIJA (Director, United Nations Development Fund for Women (UNIFEM)) said that it had taken a long time for UNIFEM and CEDAW to come together, because until recently issues of equality, development and peace had been seen as separate concepts.

3. Development could be defined as a process that sought to enlarge people's choices. UNIFEM had initially focused on economic and social development, but it had become increasingly evident that without the full participation of women in development, the viability of development efforts would be compromised. The pillars of UNIFEM's mandate were the participation of women in the economic and social life of their community, recognition of their current and potential contributions, and their access to resources, both human and financial, and to leadership and decision-making positions. In order for the Fund to fulfil its mandate, discriminatory laws, policies, practices and customs must be removed.

4. Although many human rights issues had originally been considered to be outside its mandate, UNIFEM was currently developing an overall human rights programme. Women's groups had turned to UNIFEM requesting financial resources for their campaigns to stem violence against women, and the Fund had, as a matter of conscience, begun to include financial support for such groups in its budget. It had then requested a policy paper on violence against women as a development issue, and as a result of that landmark document, it had become evident that violence undermined women's contribution to development.

5. The women's rights programme had three objectives: to strengthen the women's human rights movement and the global campaign for women's human rights; to increase the access to international human rights machinery for women in developing countries; and to improve accountability on such issues, including assistance in the development of stronger indicators.

6. UNIFEM was already engaged in the global campaign for ratification of the Convention on the Elimination of All Forms of Discrimination against Women and was preparing information kits on the Convention for UNICEF. It was working with the Statistical Office on the 1995 edition of "The World's Women" to strengthen the section on women's human rights and CEDAW. It was also collaborating with UNDP on the Human Development Report for 1995 that would focus on gender, to include indicators on women's ownership rights, etc.

7. Ms. Capeling-Alakija withdrew.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Senegal (CEDAW/C/SEN/2 and Amend.1)

8. At the invitation of the Chairperson, Mr. Fofana and Ms. Londiaye (Senegal) took places at the Committee table.

9. Mr. FOFANA (Senegal), introducing his country's second periodic report (CEDAW/C/SEN/2 and Add.1), said that in May 1988, the population had been estimated at 7,300,000, of whom, 4,000,000 were women. The average rate of population growth between the 1976 and 1988 censuses was estimated at 2.7 per cent. There were seven major ethnic groups, six spoken languages and three major religions; 94 per cent of the population were Muslims.

10. The infant and child mortality rates were 8.6 per cent and 11.3 per cent, respectively, and the maternal mortality rate was 450 per 100,000 births in urban areas and 950 per 100,000 in rural areas. The mean fertility rate was close to 6.9 children per woman of child-bearing age. The median age at first marriage was 16.6 years. Illiteracy among women aged 15 to 49 had dropped from 86.8 per cent in 1976 to 79 per cent in 1988 as compared with 78.1 per cent and 62.6 per cent for men.

11. The socio-economic situation continued to be influenced by a number of negative factors, including the impact of highly unfavourable terms of trade on the country's main exports, peanuts and cotton; a 20-year drought; the crushing burden of external debt; and the painful consequences of austerity measures linked to structural adjustment. While national income had increased by 4.7 per cent in 1990 and the inflation rate had decreased by 10 per cent from 1984 to 1989, the employment rate had been declining steadily, and in 1992 it stood at 28 per cent. Of those employed, 92 per cent worked in agriculture.

12. Senegal had acceded to a large number of international human rights instruments. Since, according to article 79 of the Senegalese Constitution, international law took precedence over domestic legislation, they now formed part of domestic law. Basic rights were protected by the courts, the Council of State, the Mediator of the Republic, who had oversight over the executive branch, and parliamentary commissions of inquiry. About a dozen non-governmental organizations monitored the actions of the authorities and reported all human rights violations to the United Nations and Organization of African Unity (OAU) monitoring mechanisms. A Senegalese Human Rights Committee, established in 1965, assisted the Government in designing and coordinating human rights policy and kept the Government informed of violations in that area.

13. Through the efforts of the Senegalese Human Rights Committee and non-governmental organizations, the provisions of all international instruments to which Senegal was a party had been widely disseminated. Some 3,000 women's groups had prepared comments on the Convention.

14. Following independence, the authorities had taken steps to improve the status of women, which had greatly deteriorated under colonialism, and the

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Government had ratified all international women's rights instruments. The Ministry for Women's, Children's and Family Affairs had been established in 1991, and a strategy for improving the status of women had been developed, based on three priorities: promoting better working conditions for women, helping families to make better use of their resources, raising the general standard of living, especially in the area of health education.

15. The proclamation of the International Women's Year in 1975 and of the United Nations Decade for Women had aroused awareness of women's subordinate status in society. As part of the activities for the Decade, the National Fortnights of Women had been established, the purpose being to draw national attention to issues affecting women through a series of debates which were given broad coverage by the media. In addition, a national plan of action for women had been drawn up in 1982, based on survey data collected among women throughout the country.

16. Female school enrolment at the primary level had risen from 35 per cent in the school year 1965/1966 to 42 per cent, in 1990/1991 and, at the secondary level, from 24 per cent to 34.5 per cent in the same period. The number of women attending university had risen from 9.7 per cent in 1967-1968 to 22.3 per cent currently.

17. According to the 1988 census figures, 66.5 per cent of working women lived in rural areas. The overwhelming majority were employed in agriculture, with smaller numbers engaged in pastoral and fishery activities.

18. While women had very limited access to credit in the conventional banking sector, the National Agricultural Credit Bank (CNCA) of Senegal had granted a total of 43,562,447 CFA francs, to a consortium of women's groups to finance pastoral, fishery, rural trade and market-gardening activities.

19. With regard to urban employment, 1990 figures showed that women held only 8 per cent of the 72,000 permanent and seasonal paid jobs in the private sector. However, the public sector was an appreciable source of employment for women, who constituted nearly 15 per cent of the civil service employees.

20. Senegal had ratified International Labour Organization (ILO) Conventions Nos. 111 concerning discrimination and 100 concerning equal remuneration for work of equal value. That principle was also embodied in article 104 of the Labour Code and in article 36 of the national collective bargaining agreement. While the principle was respected in the public sector, since all civil servants were subject to the same job-classification and salary criteria, in the private sector, women were often paid at piece-work rates whereas men were paid at hourly rates. Article 136 of the Labour Code prohibited night work for women in all but exceptional cases.

21. In the area of women's health, genital excision continued to be practised by approximately 20 per cent of the population, especially among the Mandingo ethnic groups. The conditions under which such operations were performed, including the lack of anaesthesia, often resulted in infections, sterility and

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even death. Although the authorities did not approve of the practice, which they considered more of a public health problem, they had not taken strong measures to combat it preferring, instead, to rely on women educating one another. By contrast, however, article 300 of the Code provided for severe punishment for anyone who consummated a marriage with a minor 13 years of age or younger.

22. With respect to sexually transmitted diseases (STDs), he said that, although prostitution (the practice most often mentioned as a vector for transmission of STDs) was not illegal in Senegal, it was regulated. To date, there had been 700 cases of AIDS in Senegal, 30 per cent of which were women. As in other countries, the authorities had opted for a strategy of prevention through education. A multi-disciplinary committee to combat AIDS had been established in 1990.

23. With respect to violence against women, he said that, notwithstanding specific provisions in the Criminal Code, deliberate beating of women continued to be common, especially in the home. In 1992, following one incident in which the woman had died, a march had been organized to protest such violence. Rape was also very common, even though the Criminal Code established severe penalties for rape and ruled out extenuating circumstances if the victim was 13 years of age or younger. As to sexual harassment, he said the term tended to be confused with sexual advances, which were not prohibited under the Criminal Code.

24. Although Senegal's family planning policy had been in place since 1970 and family planning services were available through 150 specialized centres, rates of contraceptive use remained low. The Government was therefore planning to consolidate family-planning programmes into a national programme. Abortion remained illegal.

25. In response to requests for information regarding governmental bodies charged with protection of women's rights, he said the establishment of the Ministry of Women's, Children's and Family Affairs reflected the Government's desire to bring together the various elements of Senegal's policy with respect to women's affairs, including the Ministry on the Status of Women and the Ministry for Social Development, among others. Also, the National Consultative Commission assisted the President in the formulation of policy regarding women and the family.

Article 1

26. On the question of measures to ensure the elimination of discrimination against women, he said that the definition of discrimination against women contained in the Convention had not been incorporated into national law to date.

Article 2

27. As pointed out in the report (CEDAW/C/SEN/2, para. 25), article 332 of the Criminal Code which had prescribed punishment for the offence of abandonment of the conjugal home (an offence applying exclusively to women) had been repealed and a new offence entitled "family abandonment" had been introduced, which applied to either spouse. The new offence was punishable by a maximum prison

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term of two years and a fine of 50,000 francs. Furthermore, Senegal's National Consultative Commission had always alerted the Government to cases of sexual inequality in employment and in access to public services. Nevertheless, customs and mentalities adversely affecting the lives of Senegalese women were deeply rooted, and changing firmly held attitudes was a long-term endeavour.

Article 3

28. In the school-year 1990/1991, the total drop-out rate among Senegalese schoolchildren had been approximately 30 per cent. The drop-out phenomenon was related to the high rate of population growth in the school-age population and the inability of the school system to accommodate everyone. Girls who left the school system could receive training in sewing, child-care, hygiene and similar fields at specialized institutions.

Article 5

29. In response to questions concerning article 19 of the Senegalese Family Code, which set out the conditions under which a spouse had the right to take over management of household property, he said that the initial draft of article 19 had not been explicit in extending that right to women living at home; however, subsequent modification of that part of the Family Code had corrected the oversight.

Article 6

30. Prostitution was subject to tight controls by public health authorities in Senegal. Prostitutes were required to register with the public health service, failure to do so being punishable by a prison sentence of at least two years. Prostitutes were also required to have bi-monthly health check-ups. The women who practised prostitution in Senegal were frequently driven into the sex business by unemployment. While it was difficult to know precisely how many prostitutes there were in the country, he did not believe the number was very high. Also, procuring, which was also linked to difficulties in obtaining employment, was severely punished under the Criminal Code.

Article 7

31. Additional information had been requested regarding the conditions under which persons in general and women in particular could be deprived of the right to vote. According to article 3 of the Electoral Code, a person could be declared ineligible to vote if his or her civil rights had been taken away by reason of having been convicted and sentenced to prison or other punishment. Moreover, women in Senegal enjoyed full legal personality and were competent to act on their own behalf in all official matters. On the question of women's access to careers in public institutions such as the armed forces and the police, he said that the Government had recognized those barriers to be discriminatory and believed they would be lowered soon. Lastly, women could participate on an equal basis with men in all trade union activity and the unions in Senegal actively encouraged women to seek greater participation in the political, economic and social life of the country.

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Article 9

32. The law requiring non-Senegalese husbands of Senegalese citizens to wait five years before receiving citizenship was not discriminatory in intent. In practice, the law made it possible for officials to certify that the person seeking Senegalese citizenship was thoroughly integrated into Senegalese society. The law also made it possible to limit marriages of convenience.

Article 10

33. The high drop-out rate among girls was due in part to the widely held belief that a girl's place was in the home. With the help of the Government and concerned women's organizations, attitudes of that kind should soon disappear. Indeed, one sign of progress towards that goal could be found in the women's training centres, which encouraged women to stay in contact with the educational system.

Article 11

34. Access to employment in the civil service was subject to the general rules of service set out in Law No. 61-3 of 15 June 1967. Candidates were required to meet certain criteria regarding health, citizenship, moral standing and qualification for entrance to the relevant training programme. Anyone meeting those qualifications, regardless of sex, could accede to posts in the civil service. No discrimination existed with respect to remuneration in the civil service. However, pay discrepancies were a problem in the private sector, where women were generally paid on a piece-rate basis, while men were paid by the hour.

Article 12

35. Medical care was available to all those living in the country. For example, the spouse of anyone who tested positive for HIV/AIDS was informed immediately in order to avoid the possibility of spreading the disease. Information on birth-control techniques was available at all women's and children's clinics and family planning centres. Nevertheless, many rural districts were disadvantaged in that regard as compared to urban districts, which was one reason familiarity with birth-control techniques in the countryside remained low.

Article 14

36. De facto discrimination against women continued to exist in rural areas with respect to access to land and decision-making power; however, the Government intended to apply the national laws on the question in a vigorous manner and, as a result, that particular form of discrimination would probably disappear in the near future.

Article 15

37. Previously, article 13 of the Family Code had stated that a married woman could not leave the family home without her husband's permission. The offence

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of "abandonment of the conjugal home", referred to in article 332 of the Criminal Code, applied only to women. That article had been repealed in 1977, whereas article 13 of the Family Code had remained on the books until 1989.

38. On the question of the legal capacity of Senegalese women, he said that the last restriction remaining on women's legal capacity had been article 3 of the Family Code, which had permitted the husband to object to his wife's having a profession outside the home. That restriction had been repealed in 1989.

Article 16

39. The minimum legal age for marriage in Senegal was 16 years for women and 20 years for men. All persons intending to marry must give their consent officially on three separate occasions before the wedding ceremony. The choice of spouse was left to the future bride or groom, although the respective families were certainly entitled to state their views. Of the three different systems for the administration property in marriage that were recognized in the Senegalese Family Code, separation of property was the one most frequently chosen by Senegalese brides, owing to the influence of the African concept of marriage, which was very family-oriented. Upon the breakup of a marriage based on separation of property, each spouse retained his or her respective property, which had already been separated. In the case of breakup under the community property system, a judge designated a liquidator to divide the property equally between the spouses; the endowment system was not applied in Senegal.

40. On the question of support for changing discriminatory laws and practices, he said that the Senegalese Government had drawn upon the efforts of women's organizations in undertaking a vast adaptation of current laws in order to bring them into line with international instruments ratified by Senegal. Questions relating to the custom of bride price, rights of inheritance and paternal authority would no doubt be taken up in the course of the reform process.

41. While polygamy was not encouraged and entailed many legal complications it was difficult to abolish simply by enacting a law. Also, while co-habitation was not recognized under Senegalese law and couples living together in that manner benefited from a waiver of the bans of marriage, they were not permitted to disavow any children born out of wedlock. Children born out of wedlock carried their mother's family name until majority, after which time the father's family name was used. Lastly, Senegalese law prohibited forced recognition of children born out of wedlock. Such children could obtain support payments from their natural father by instituting a paternity suit.

42. The CHAIRPERSON welcomed the constructive dialogue begun between the Government of Senegal and the Committee. It was clear from the report that the Government recognized that problems existed, and that it was committed to change. Areas of particular concern were women's crushing domestic burdens, health care and education and the great disparity that existed between the situation of urban and rural women.

43. Ms. ABAKA said that a tremendous amount remained to be done to remove all direct and indirect obstacles to women's equality. The educational statistics were very discouraging, with only 36 per cent of girls enrolled in school. The

(Ms. Abaka)

Committee would be interested to know what caused girls to drop out of school and whether there was any government policy to help those drop-outs resume their education. She was disappointed to learn that it was not compulsory for a father to recognize a child born out of wedlock. That would appear to contravene not only the Convention on the Rights of the Child but also the Convention on the Elimination of All Forms of Discrimination against Women, both of which Senegal had ratified.

44. Ms. AOUIJ commended the Government on its sincere efforts to change and to respect democratic political choice. While the legal measures in place provided guarantees of rights in principle, she noted that tradition and custom remained very strong. The Government should be working to protect the rights achieved and should institute a legal literacy programme so that women, especially in rural areas, would be aware of the rights and laws in their favour.

45. She inquired whether there were any provisions in the legal system for the care of indigent persons, adding that since education was the key to development and the true basis of equality, it would be important to know whether education was compulsory for both sexes and for how many years. She would also welcome more details on reform of textbooks in order to eliminate negative images of women and sexual stereotypes.

46. Senegalese women had made a major contribution to the success of the political process in the recent elections, but their representation in Parliament was disproportionately small in comparison to their contribution. During the last election, some women who spoke only Wolof had been elected to the Parliament. She would welcome more information on that event and the views of Senegalese women on the matter.

47. The structural adjustment programme had seriously affected social programmes and the most vulnerable groups, especially women. Women had increasingly turned to the informal sector in order to generate income for their families. It would be interesting to learn what was being done to develop credit systems more appropriate to the informal sector and what actions had been proposed to protect women's interests in that area.

48. In the area of family law, no specific law existed on domestic violence. She enquired if the Government intended to pass such laws. Clarification of the incentives to choose a monogamous marriage regime over polygamy and statistical information in that area would also be welcome.

49. Ms. OUEDRAOGO inquired whether women's non-governmental organizations in Senegal had participated in drawing up that country's second periodic report. More information should be provided on the impact of programmes and practical measures to accelerate the advancement of women, particularly rural women, whose economic situation was very difficult. The reporting State should cite specific programmes to integrate women into development and provide more information on steps taken to assist vulnerable groups, such as women who were victims of violence, single mothers, prostitutes and disabled women.

50. Ms. AYKOR said that the next periodic report should indicate progress made in implementing the individual articles of the Convention and provide more

(Ms. Aykor)

statistical data on the de jure and de facto situation of women in Senegal. Referring to legislation on marriage, she inquired who was considered the head of the household under Senegalese law and how joint property was disposed of upon dissolution of a marriage. The reporting State should indicate whether studies had been conducted on the situation of women in polygamous marriages and how they perceived their situation in the family. She wished to know what happened to joint property when a second or third wife sought a divorce and asked whether women received alimony while waiting for a separation or divorce. Paragraph 210 of the second periodic report of Senegal referred to voluntary resignations from government service. The reporting State should indicate whether the women affected had in fact been asked to resign.

51. Ms. BRAVO de RAMSEY said that polygamy was an affront to the dignity of women and children, impeded the advancement of women and gave rise to various social, economic, family and legal problems. The high level of illiteracy among women and the early marriage age among Senegalese girls were also very restricting factors. The reporting State should indicate what the Ministry for Women's, Children's and Family Affairs was doing to promote the advancement of women in those areas. She was also concerned about the situation of children who were born out of wedlock and not legally recognized by their fathers. Who looked after those children, what was their legal status and whose surname were they given?

52. Ms. GARCIA-PRINCE commended the efforts of the Senegalese Government to improve the situation of women and its frank recognition of the existence of discrimination against women. Nevertheless, future reports should be more explicit and provide more statistical data on the de facto situation of Senegalese women. The next report should indicate what results had been achieved through the changes in legislation since 1991. Political parties played a very important role in promoting the advancement of women and bringing more women into decision-making positions. Paragraph 199 of the report indicated that at present, Senegal had three women ministers. She inquired whether their power was the same as that of men and why there were not more women in such important political posts. In general, there would be no substantial improvements in the social and economic situation of women until there were women in major decision-making positions.

53. The next periodic report should provide information on changes with regard to the situation of women in employment and education. The participation of women in food production in Senegal was very important and should be taken into account in the next report. She agreed with the previous speaker that the practice of polygamy was discriminatory with regard to women. Senegal's legislation in that field seemed to have the effect of promoting polygamy. Lastly, the reporting State should provide information on the practice of female circumcision and explain whether paragraph 259 of the report indicated that the Government would limit its assistance to women because of the economic crisis.

54. Ms. UKEJE commended the Government of Senegal for its frank report and the additional information provided, particulary on questions concerning structural adjustment, the debt burden and the unfavourable balance of payments, coupled with political problems. Those problems affected both developing and developed countries. Noting that members of the Committee had great difficulty

(Ms. Ukeje)

understanding the practice of polygamy in Africa, she said that in her country, Nigeria, even some educated women chose polygamy. It was an easier arrangement to get into and out of, and was generally considered preferable to prostitution. It would be very difficult to convince Africans that polygamy should be banned. Children were not disadvantaged because of it and some wives preferred it. That was the truth of the matter.

55. Ms. LO NDIAYE (Senegal) said that the questions and suggestions by the members of the Committee would help her country to find solutions to problems impeding the advancement of women. Structural adjustment policies had had a very negative effect on the population, particularly women, for they had not only reduced women's access to social services, such as good health care and education, which were essential in order to promote the advancement of women, but had also led to a cutback in jobs. As always happened in such cases, since women were less qualified they were more affected by such cuts. The voluntary resignations from government service related mainly to lower posts held by women as secretaries, office workers and clerks. The recent currency devaluation would further aggravate Senegal's economic situation.

56. Nevertheless, the Government remained committed to improving the situation of women and would seek loans from financial institutions for that purpose. It had recently mobilized $15 million in loans from the World Bank and the African Development Bank in order to carry out an intensive programme to increase functional literacy among women throughout the country. The next periodic report would take into account the views expressed by the Committee and provide a clear picture of the situation of women in Senegal.

The meeting rose at 1.20 p.m.